

## **REMARKS**

### **Status**

This Amendment is responsive to the Office Action dated September 14, 2005, in which Claims 1-33 were rejected. Claims 1, 9, 17, 24, and 32 have been amended. Claims 34-43 have been cancelled, and Claims 44-52 have been added. Accordingly, Claims 1-33 and 44-52 are pending in the application, and are presented for consideration and allowance.

### **Claim Rejections - 35 U.S.C. § 103(a)**

In paragraph 3 on page 2 of the Office Action, Claims 1, 2, 11, 12, 16, 17, 26, 27 and 31-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,553,864 to Sitrick (hereinafter, *Sitrick*) in view of U.S. Patent No. 5,917,725 to Thatcher et al. (hereinafter, *Thatcher*). This rejection is respectfully traversed.

Applicants have amended independent Claims 1, 17 and 32 in order to more particularly point out that the digital image supplied by the user, the game which incorporates the digital image supplied by the user, and the prestored messages are provided together in the computer readable storage medium.

*Sitrick* relates to a video game adapter interface system that is coupled to a video game system and a storage card containing user images. The video game adapter interface system integrates a selected user image from the storage card into video game play. However, *Sitrick* does not teach or suggest providing a computer readable storage medium having games, user-supplied images, and prestored messages. Applicants submit that *Thatcher* fails to make up for this deficiency. Therefore, Applicants believe Claim 1 is patentable. The same arguments set forth above with regard to Claim 1 are equally applicable with respect to the rejections of independent Claims 17 and 32. As such, Claims 17 and 32 are believed to be patentable.

Moreover, with regard to independent Claim 1, Applicants agree with the Office Action that *Sitrick* does not specify any particular message to be displayed at the conclusion of the game. Paragraph 3 on page 2 of the Office Action relies on *Thatcher* to make up for this deficiency in *Sitrick*. *Thatcher* relates to a tournament system for electronic games. More specifically, *Thatcher*

utilizes a computer network, where a central computer co-ordinates game play of multiple users. *Thatcher* discloses that data messages are sent from a central computer to a video game. Applicants respectfully submit that neither *Sitrick* nor *Thatcher*, taken alone or in combination, show or suggest automatically displaying a prestored message from the computer readable storage medium to the user upon playing or completion of a game.

In paragraph 7 on page 5 of the Office Action, Claims 1, 11, 12 and 16 were alternatively rejected under 35 U.S.C. §103(a) as being unpatentable over *Sitrick* in view of U.S. Patent No. 4,314,336 to Bernstein et al. (hereinafter, *Bernstein*).

*Bernstein* relates to a portable electronic card game simulator, and a game score is displayed to the user at the end of the game. The Office Action states that it would have been obvious to have “displayed the score/results of the game in order to communicate how well the player did at the game. Such a display is taken to be a message.” Office Action, page 7. Applicants respectfully submit that the score is a *function of game play*, and therefore cannot be a *prestored message* from the computer readable storage medium to the user upon playing or completion of the game as claimed by Applicants. Absent some teaching, suggestion, or incentive supporting the combination, obviousness cannot be established. Since such a showing is absent, it appears that the Examiner has used Applicants’ teaching to hunt through the prior art for the claimed elements and combine them as claimed by Applicants. Since neither reference suggests such a combination, obviousness cannot be supported. Therefore, Applicants submit that Claim 1 is patentable.

Applicants respectfully submit that further consideration of claim rejections under 35 U.S.C. 103(a) upon the citing of *Walker*, *Small* and *Barnett* is moot, inasmuch as the combination of *Sitrick*, *Thacher*, *Bernstein*, *Walker*, *Small* and *Barnett* still lack any teaching, disclosure, or suggestion concerning providing a computer readable storage medium with user-supplied digital images, games, and prestored messages as previously discussed.

Therefore, for at least the above reasons, Applicants respectfully submit that independent claims 1, 17 and 32 are patentable. Claims 2-16 are dependent on Claim 1 and therefore include all the features thereof. As such,

Claims 2-16 are patentable for at least the same reasons as claim 1 is patentable. Claims 18-31 are dependent on Claim 17 and therefore include all the features thereof. As such, Claims 18-31 are patentable for at least the same reasons Claim 17 is patentable. Similarly, Applicants' new independent Claim 44 is patentable for the same reasons that Claims 1, 17, and 32 are patentable. Claims 45-52, which depend from Claim 44, are patentable for the same reasons Claim 44 is patentable.

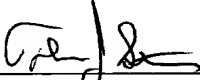
### Summary

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

Respectfully submitted,

  
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.